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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,859	05/11/2006	Jun Kitahara	09947.0009	3333
22852	7590	07/20/2010		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER VAUGHAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2431	
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			07/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,859

Applicant(s)

KITAHARA ET AL.

Examiner

MICHAEL R. VAUGHAN

Art Unit

2431

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7 and 8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-5, 7, 8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/226)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

The instant application having Application No. 10/578,859 is presented for examination by the examiner. Claims 2-5, 7, and 8 are pending.

Response to Amendment

Claim Rejections - 35 USC § 112

The present claim amendments are sufficient in overcoming the 35 USC § 112 rejection.

Response to Arguments

Applicant's arguments with respect to claim 2, 7, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 7,739,548 to Revital et al, hereinafter Revital in view of USP Application Publication 2002/0001386 to Akiyama and in view of USP 7,310,810 to Hamada et al., hereinafter Hamada.

As per claim 2, Revital teaches an information processing apparatus adapted for processing a plurality of contents provided by a contents distribution service having a channel for distributing the plurality of content (col. 10, lines 5-7) including a first content and a second content distributed after the first content, the information processing apparatus comprising:

main license acquisition means for acquiring a main license [VEMM] having a main condition [access to protected content] applied in common for the plurality of contents, the main license further including main license key information (col. 5, lines 5-7 and col. 10, lines 10-15);

sublicense acquisition means for acquiring, a plurality of sublicenses [VECM's] that correspond to the plurality of contents (col. 5, lines 9-10) and are provided in a manner different from the main license [criteria packaged into VECM as apposed to VCMM], the plurality sublicenses including subconditions for the plurality of contents (col. 9, lines 35-40), identification information of the main license (col. 6, lines 24-25), sublicense key information (col. 5, lines 45-47) the plurality of sublicenses including a

first sublicense corresponding to the first content and a second sublicense corresponding to the second content [Assess to particular items or portions of protected content; col. 8, lines 44-45];

control means for controlling reproduction of the plurality of contents when the main condition of the main license and subconditions of the plurality of sublicenses are satisfied [properly decrypted] (col. 5, lines 35-37);

wherein when the plurality of contents are distributed via the channel successively in terms of time, the control means determines, while the first content is being reproduced, whether the main condition prescribed by the main license and the subcondition prescribed by the second sublicense are satisfied, and reproduces the second content after reproducing the first content [follows the natural process of streaming content whereby the keys are streamed just prior to needing them for decryption] when the main condition prescribed by the main license and the subcondition prescribed by the second sublicense are both satisfied (col. 3, lines 5-15);
and

wherein the main condition and the subcondition include at least one of a time period in which the plurality of contents may be reproduced (VEMM; col. 6, lines 35-40; ECM; col. 14, lines 1-5) and a number of times the plurality of contents may be reproduced.

Revital is silent in explicitly disclosing the first license has a digital signature and that second license further includes identification information of a first license corresponding to the second license, second key information, and an electronic

signature. Akiyama teaches using digital signatures to secure the transportation of licenses (0107). Akiyama goes on to teach why using digital signatures secure transactions from alteration (0113). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine this feature to the licenses of Revital to ensure the licenses are not altered.

Revital is also silent in explicitly disclosing the first content being unrelated to the second content in a manner that the first content can be reproduced without the second content, the first sublicense and the second sublicense being added to the first content such that the sublicense acquisition means acquires the first sublicense and the second license while the first content is being acquired. For purposes of this examination, this newly amended limitation is interpreted as the two contents are independent and one is not needed in order to reproduce the other, i.e. two music files. Further, this limitation requires that sublicense information of both the first **and** second content are sent while the first content is acquired. As mentioned above the sublicense is analogous to Revital's ECM and it is sent along with the first content. Prior art Hamada teaches an ECM can include the license information for multiple content and it sent in one ECM prior to the second content being delivered (col. 11, line 64-col. 12, line 11 and col. 16, line 54-col. 17, line 14 and lines 52-65). In this examples the ECM contains the license information for all three music pieces. This teaching shows that it was known that ECM's can contain license information not just with the content it's sent with but other content as well. Substituting known methods which produce predictable results is within the ordinary capabilities of one of ordinary skill in the art. The claim is obvious because

appending the license information of more than one content to prior to delivery of the second content is predictable.

As per claim 3, Revital teaches that during the manufacture of the recipient module an embedded key is stored in the hardware (col. 4, lines 38-42). Revital also teaches that any method of suitable encryption mechanism may be used for encrypting the various types of keys in his invention (col. 9, lines 52-53). Even though Revital does not explicitly call any of the secret keys, public-keys, it would be obvious to one of ordinary skill in the art that public key cryptography could easily be used in this case. The private stored key in the device would be the device's own unique private key. Then, any entity who wishes to create a session key (as taught by Revital and Akiyama) would simply encrypt the session key with the device's public key so only that specific device could decrypt the message and obtain the session key. Revital even teaches encrypting one key with another. Akiyama teaches public key cryptography as means of transmitting license information (0111). This is a well established algorithm of key exchange. Anyone of ordinary skill in the art would readily use this algorithm. Therefore it would have obvious to one of ordinary skill in the art at the time of the invention to use the well known public key cryptography as a suitable encryption mechanism as Akiyama teaches.

As per claim 4, Revital teaches the second key included in the second license is encrypted and the control means decrypts, by using the first key information, encrypted

second key information and uses the second key information to decrypt the acquired content (col. 5, lines 10-16).

As per claim 5, Revital teaches license management means for allowing any other information processing apparatus to permit utilization of the plurality of contents when the main condition prescribed by the main license and the subconditions prescribed by the plurality of sublicenses are both satisfied (col. 5, lines 31-34).

Claims 7 and 8 are rejected for the same reasons as claim 2.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431